

Article - Health - General

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§19–1404.

(a) A civil money penalty imposed under this section for potential for more than minimal harm deficiencies:

(1) May not exceed \$10,000 per instance; or

(2) May not exceed \$1,000 per day for an ongoing pattern of deficiencies until the nursing home is in compliance.

(b) A civil money penalty imposed under this subtitle for actual harm deficiencies:

(1) May not exceed \$10,000 per instance; or

(2) May not exceed \$5,000 per day for an ongoing pattern of deficiencies until the nursing home is in compliance.

(c) A civil money penalty imposed under this section for a serious and immediate threat:

(1) May not exceed \$10,000 per instance; or

(2) May not exceed \$10,000 per day for an ongoing pattern of deficiencies until the nursing home is in compliance.

(d) In setting the amount of a civil money penalty under this section, the Secretary shall consider, pursuant to guidelines set forth in regulations promulgated by the Secretary, the following factors:

(1) The number, nature, and seriousness of the deficiencies;

(2) The degree of risk to the health, life, or safety of the residents of the nursing home caused by the deficiency or deficiencies;

(3) The efforts made by the nursing home to correct the deficiency or deficiencies;

(4) Current federal guidelines for money penalties;

(5) Whether the amount of the proposed civil money penalty will jeopardize the financial ability of the nursing home to continue operating as a nursing home; and

(6) Such other factors as justice may require.

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